

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jonah Goger	Team: Team # 4	CCRB Case #: 200402165	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/10/2004 6:50 AM	Location of Incident: Willoughby Street and Classon Avenue, Brooklyn	Precinct: 79	18 Mo. SOL 9/10/2005	EO SOL 9/10/2005	
Date/Time CV Reported Wed, 03/10/2004 10:00 AM	CV Reported At: Precinct	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/10/2004 11:07 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Keith Chatterton	07323	925067	079 PCT
2. POM Alain Guerra	00729	930283	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Keith Chatterton	Discourtesy: Keith Chatterton spoke obscenely to § 87(2)(b)	
B.POM Keith Chatterton	Abuse: PO Keith Chatterton threatened to arrest § 87(2)(b)	
C.POM Keith Chatterton	Abuse: PO Keith Chatterton seized § 87(2)(b) property.	
D.POM Keith Chatterton	Force: Keith Chatterton pointed his gun at § 87(2)(b)	
E.POM Alain Guerra	Force: PO Alain Guerra pointed his gun at § 87(2)(b)	

### Synopsis

§ 87(2)(b) walked into the 90<sup>th</sup> Precinct at 8:34 AM, on 3/10/04, to complain that he had been cursed at by a PO Keith Chatterton (of the 79 pct.) during a routine car stop two hours earlier. He also alleged that PO Chatterton threatened to arrest him and took his PBA card, and that he and his partner (identified during PO Chatterton's interview as PO Alain Guerra) pointed their guns at him.

§ 87(2)(b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Meanwhile, PO Guerra denied hearing any of the conversation between subject and complainant § 87(2)(g) PO Guerra did concede that a "heated conversation" had taken place, § 87(2)(g)  
[REDACTED]  
[REDACTED]

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
§ 87(2)(g)  
[REDACTED]  
[REDACTED]

(PO Chatterton was definitely identified when he provided his name to the complainant at the end of the incident, and because his name appeared on the summonses.)

### Summary of Complaint

On 3/10/04, at the 79 pct., § 87(2)(b) wrote (encl. 2) that he was pulled over by PO Chatterton, and that he and his partner drew their guns. He did not distinguish between the officers when alleging that he was called a "moron" and an "idiot," § 87(2)(b)  
[REDACTED] § 87(2)(b) wrote that PO Chatterton took his PBA card along with his driving document, and did not return it.

When § 87(2)(b) attempted to walk back to the RMP to discuss the matter further, both officers "proceeded to exit the RMP with their guns drawn, a second time."

When PO Chatterton returned to § 87(2)(b) car with summonses, he said, "If § 87(2)(b) is an officer, tell her to come get her PBA card from me and I'll tell her how much of an asshole you are."

§ 87(2)(b) was interviewed at CCRB on 3/13/04, and stated that at approximately 6:40 a.m. on 3/10/04, he dropped his wife off for work § 87(2)(b) § 87(2)(b)  
[REDACTED]

§ 87(2)(b) exited the parking lot and made a right turn onto Classon without using his signal light, then made another fast right onto Willoughby Ave. He then noticed a marked RMP with lights and sirens on behind him, realized he was being pulled over, and complied.

PO Chatterton and his partner approached § 87(2)(b) car with their guns drawn and pointed at him. § 87(2)(b) lowered his window and apologized for making the fast turn. PO Chatterton immediately called § 87(2)(b) a "fucking moron," and angrily instructed § 87(2)(b) to turn his vehicle off and hand over the keys.

§ 87(2)(b) complied, § 87(2)(b)  
[REDACTED] PO Chatterton said he did not care, and called § 87(2)(b) an "asshole." He asked for and received § 87(2)(b) driving documents, and § 87(2)(b) also gave the officer § 87(2)(b) PBA card.

The officers retreated to their vehicle and remained there for five minutes, until § 87(2)(b) exited his own car in order to ascertain the officers' home command. When he got out, both officers "slumped" down behind the RMP's windshield, pointed their guns at § 87(2)(b) and screamed at him to reenter his vehicle.

§ 87(2)(b) complied.

PO Chatterton approached § 87(2)(b) car again, saying: "If you keep it up, I'm going to arrest your ass."

Both officers returned to § 87(2)(b) car twenty minutes later, and PO Chatterton issued § 87(2)(b) four summonses § 87(2)(b) § 87(2)(a) 160.50. He also told § 87(2)(b) that he would keep his PBA card, and would tell § 87(2)(b) “how much of a moron and asshole” he was, if she came to the stationhouse to retrieve it.

§ 87(2)(b)) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Results of Investigation

**PO Keith Chatterton** was interviewed at CCRB on 10/4/04. He brought with him a textual account of the incident (encl. 7), which he wrote in preparation for the court appearance. § 87(2)(b) § 87(2)(b) — § 87(2)(a) 160.50 — § 87(2)(b).

In the narrative, PO Chatterton described § 87(2)(b) making a right turn from the far left lane of Dekalb Ave. onto Classon Ave. without using his turn signal. He noted that multiple vehicles were forced to stop suddenly, and that he himself almost struck the car in front of him. PO Chatterton pursued, and saw that at the intersection of Classon and Willoughby, § 87(2)(b) had to stop short again for a red light, and almost struck a pedestrian.

PO Chatterton added that subsequent to the stop, § 87(2)(b) had to be told multiple times to stay in his vehicle. Finally, the officer wrote that the complainant “also stated that § 87(2)(b) will take (care) of this for him + that he will get me back. I took the PBA card” and issued the summonses.

In his interview, PO Chatterton stated that he was driving his partner, PO Guerra, in a sector car on Dekalb Ave., and slowed as he approached the intersection of Classon Ave. He was driving in the middle lane, with a car directly in front of him. There was a bus a bit further up on the right, and a car driving behind it, which suddenly swerved into the middle lane, causing the car in front of the RMP to stop short.

The swerving car then cut into the left lane, which is normally for parking, before taking a sharp right turn in front of the bus, onto Classon Ave.

PO Chatterton pursued and caught up with the car, which complied by pulling over on Willoughby Ave. PO Chatterton approached the driver, § 87(2)(b) while PO Guerra went to the passenger side. PO Chatterton had his gun drawn, and it was “placed on my leg.” He said, “I didn’t know who this person was. I didn’t know what I was getting myself into.”

When asked, § 87(2)(b) provided his driving documents, and also proffered a PBA card, saying § 87(2)(b) When asked if the card belonged to that person, § 87(2)(b) gave “mixed answers. Wasn’t giving me a heads and tail answer” (sic).

PO Chatterton told § 87(2)(b) to remain in his vehicle, and the officers returned to the RMP to check the license and write summonses.

§ 87(2)(b) “abruptly” exited his car and began walking back toward the RMP. PO Chatterton said that one of the officers (or perhaps both, he could not remember) “had our gun drawn... towards him. We instructed him to get back in (his) vehicle,” and § 87(2)(b) complied.

Q: Did he react to the gun being pointed at him?

A: He did react, but I don’t recall what he said.

PO Chatterton said that he was “absolutely” in fear for his safety, and did not, in retrospect, believe the pointing of his weapon at that time to have been unnecessarily aggressive.

After issuing § 87(2)(b) the summonses, § 87(2)(b) informed PO Chatterton that § 87(2)(b) would “take care of this,” and he also threatened to “get back at” the officer “some way, somehow,” for issuing the summonses.

PO Chatterton denied using any profanity, and denied being discourteous. § 87(2)(a) 160.50

**PO Alain Guerra** was also interviewed at CCRB on 10/20/04. He recalled noticing § 87(2)(b) car for the first time when it made the right turn from the far left lane of Dekalb Ave. onto Classon. This forced a bus in far right lane to stop short.

PO Chatterton pursued, and pulled the car over near the intersection of Classon and Willoughby Ave.’s. Both officers got out of the vehicle and began to approach the car, when the driver, § 87(2)(b)

suddenly exited. PO Chatterton drew his gun and ordered § 87(2)(b) back into the car. § 87(2)(b) complied.

PO Guerra remained at the rear right of the suspect's vehicle while PO Chatterton spoke with the driver. There was a "heated conversation," but PO Guerra heard no details. The officers then went back to their own car, and PO Chatterton wrote the summonses.

PO Guerra did not overhear PO Chatterton insult § 87(2)(b) nor speak discourteously. PO Chatterton did not relate to his partner any threat on the part of § 87(2)(b) to file a complaint against PO Chatterton.

### **Conclusions and Recommendations**

§ 87(2)(b) never denied making a reckless and illegal turn (§ 87(2)(b)). In fact, he insisted that he apologized to the officer for doing so. He also freely admitted proffering the PBA card § 87(2)(b) with hopes of lenience from PO Chatterton.

§ 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
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PO Chatterton also noted (again, both in writing, and during his interview) that § 87(2)(b) reckless driving forced the officer to *personally* stop short to avoid hitting another vehicle. § 87(2)(b), § 87(2)(g)

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The PBA card in question (see enlarged copy of back, encl. 11) clearly states that the card is the property of the Patrolman's Benevolent Association, and is not personal property. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) verbally accused PO Chatterton of threatening to arrest him, but made no mention of this in his written statement. § 87(2)(b), § 87(2)(g)

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§ 87(2)(g)

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